

# ENHANCED VAPOR RECOVERY MULTI AGENCY REVIEW PROCESS GUIDELINES FOR DETERMINATION OF COMPLIANCE OF ENHANCED VAPOR RECOVERY SYSTEMS WITH UNDERGROUND STORAGE TANK STATUTES

May 24, 2005

## **Background:**

Health and Safety Code (HSC), chapter 6.7, section 25290.1.2(a) requires the Air Resources Board (ARB) and State Water Resources Control Board (State Water Board) to determine collaboratively, to the best of their knowledge and using existing resources, that the equipment that meets the ARB's Enhanced Vapor Recovery (EVR) requirements also meets underground storage tank (UST) statutory requirements. Assembly Bill 2955 (Statutes 2004, Chapter 649) added this provision. To implement this new requirement, ARB and State Water Board staff are proposing the following guidelines. ARB and State Water Board staff will continue their regular meetings to discuss any overlapping issues and coordinate to the extent practical to minimize any new deadline conflicts between the two agencies' requirements.

## **Guidelines For New EVR Systems And Modifications To Existing EVR Systems:**

1. For new EVR system applications and EVR modification requests, the ARB will copy the State Water Board on the first correspondence with the equipment manufacturer regarding this topic. The State Water Board review process will begin once it is notified that the equipment manufacturer responds to the ARB's letter.

The ARB will notify the EVR system equipment manufacturer, in writing, that the manufacturer is required to submit specific information to the State Water Board. Specific information that the equipment manufacturer must provide to the State Water Board, UST Program Manager includes:

- A. A description of the proposed EVR system or proposed modification to an existing EVR system.
- B. An equipment list of the proposed EVR system or proposed modification to an existing EVR system.
- C. Independent testing organization (e.g., UL) and third-party testing results.
- D. A statement signed by a California registered professional engineer, that the proposed EVR system meets the requirements of chapter 6.7, HSC. (A sample statement is included in Appendix I of the guidelines.)
- E. A summary of the items reviewed by the California registered professional engineer in support of the statement referenced in D.

During the review period, State Water Board may seek clarification of the information submitted from the EVR system equipment manufacturer.

State Water Board staff will advise local agencies and other interested parties via email that the EVR system is under review so that they may comment.

2. After State Water Board staff review the information outlined above in guideline #1, the State Water Board will notify the applicant and the ARB of its determination. The State Water Board determination will be made no later than the end of the California Air Pollution Control Officer Association (CAPCOA) Executive Order (E.O.) comment period or a date mutually agreed upon by ARB and State Water Board staff.
3. The ARB will issue an E.O. after determining that the proposed EVR system meets the requirements of section 94011, of title 17, CCR and after receiving all required determination letters (e.g., from the Office of the State Fire Marshal, State Water Board, Division of Measurement Standards, and Division of Occupational Safety and Health).
4. The E.O.s and specific information (including the State Water Board determination) will be posted on the ARB and the State Water Board websites.

## Appendix

**Certification Statement for the <Name of EVR System Here><sup>1</sup>**

Based on a careful review and analysis, I hereby certify that the **<Name of EVR System Here>**, which is under consideration for California Air Resources Board (ARB) certification, meets the requirements of Chapter 6.7 of the California Health and Safety Code (the State Water Resources Control Board's underground storage tank requirements, including enhanced leak detection and continuous vacuum, pressure, or hydrostatic monitoring.)<sup>2</sup>

The **<Name of EVR System Here>** warranty is valid as long as the system is installed, operated, and maintained according to manufacturer's instructions and in a manner that does not exceed the limitations (e.g., tank capacity, fueling points, throughputs, etc.) described below.

Limitations:

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Signed by  
(California Professional Engineer)

Date \_\_\_\_\_

Signed by  
(Company Representative)

Date \_\_\_\_\_

Printed Name (California Professional Engineer)

Printed Name (Company Representative)

Professional Engineer Company Name

Equipment Manufacturer Name

Mailing Address

Mailing Address

City, State, Zip Code

City, State, Zip Code

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Phone Number

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Phone Number

Email

Email

<sup>1</sup> This certification statement is part of the guidelines developed by the California Air Resources Board (ARB) and State Water Resources Control Board (State Water Board) to implement provisions of Assembly Bill 2955 (Statutes 2004, Chapter 649: McCarthy).

<sup>2</sup> This certification is based on the presumption that the <Name of EVR System> is constructed, installed, maintained, and operated in accordance with all applicable requirements of Chapter 6.7 of California Health and Safety Code and Chapter 16 of California Code of Regulations.